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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059155
Party	Defendant Jayant Ratti and TechJect Inc., d/b/a Techject
Correspondence Address	JAYANT RATTI AND TECHJECT INC D/B/A TECHJECT 817 WEST PEACHTREE ST, ATLANTA, GA 30308 UNITED STATES kelly@wellbornlaw.com
Submission	Response to Board Order/Inquiry
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Date	02/05/2015
Attachments	Response to Notice of Default (2-4-15).pdf(83011 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 4,420,034
Mark: ROBOT DRAGONFLY

DRAGANFLY INNOVATIONS, INC.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92059155
)	
JAYANT RATTI and)	
TECHJECT, INC. d/b/a TECHJECT,)	
)	
Respondents.)	

RESPONSE TO NOTICE OF DEFAULT AND
MOTION TO SET ASIDE DEFAULT AND
EXTEND TIME FOR RESPONDENTS TO ANSWER

Respondents Jayant Ratti and Techject, Inc. (collectively, “Respondents”) file this Response to Notice of Default and Request to Set Aside Default pursuant to TBMP 312.02 and show as follows:

Petitioner filed this cancellation proceeding on April 29, 2014. Almost immediately thereafter, Petitioner and Respondents have engaged in productive and good-faith negotiations towards a mutually-beneficial negotiated resolution of all issues in this proceeding and other potential issues between the parties. Counsel for the parties have exchanged negotiation e-mails regarding settlement up to and including the date of this Response.

To facilitate these ongoing and productive negotiations, the parties regularly sought mutually-agreed upon stipulated motions for extensions of Respondents’ time to answer, as is reflected by the docket in this matter. See Docket Entries #4, 6, and 8.

Due to an inadvertent calendaring oversight by Respondent’s counsel, a further extension to allow the parties time to reach a final negotiated resolution to this matter was not filed, and the

instant notice of default was entered. The parties have continued to negotiate productively following the entry of default, and this request to set aside default (and extension of time for Respondents to file their Answer).

Respondents have meritorious defenses to Petitioner's claims, should they be required to file an Answer in opposition to the Petition. Specifically, Respondents can establish have prior, actual use of their ROBOT DRAGONFLY mark sufficient to establish senior rights to Petitioners' later intent-to-use registration.

In conclusion, Respondents have satisfied the requirements of TBMP 312.02. Accordingly, they respectfully request that the Board set aside the default and extend the Respondents' time to file an Answer by 60 days from the date that this Motion is granted.

Respectfully submitted this 5th day of February, 2015.

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CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2015 a copy of the foregoing Motion was sent via first-class U.S. Mail to the following counsel of record:

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